

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

**DIMARE RUSKIN, INC.**  
Plaintiff,

v.

**CIVIL ACTION NO.  
3:15-CV-00289 (VLB)**

**M&M PRODUCE INC.; DAVE MAKAS;  
STEVEN PORTER;  
AND PATRICK J. MILIO**  
Defendants.

**MARCH 2, 2015**

**TEMPORARY RESTRAINING ORDER**

This matter is before the Court upon Plaintiff Dimare Ruskin, Inc.'s Application for Temporary Restraining Order pursuant to Rule 65 of the Federal Rules of Civil Procedure. Upon reading the declaration of Linda Alexander in Support of Plaintiff's Motion for Temporary Restraining Order, Motion for Preliminary Injunction executed on February 26, 2015, the exhibits annexed thereto, and the memorandum of law in support of plaintiff's motion, it is hereby

**ORDERED, ADJUDGED AND DECREED** that the above-named Defendants show cause before this Court in Courtroom Three, 450 Main Street, Hartford, Connecticut, on March 12, 2015 at 4:00pm, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendants, their customers, agents, officers, subsidiaries, assigns, banking institutions and related entities, during the pendency of this action, from alienating, dissipating, paying over or assigning any assets of

**M&M Produce, Inc. or its subsidiaries or related companies, except for payment to Plaintiffs, until further order of this Court or until Defendants pay Plaintiff the aggregate amount of \$295,330.50 by bank check or wire transfer, at which time this order is dissolved; and it is further**

**ORDERED that Defendants, and all other persons or entities holding assets of and owing to the Defendants, including without limitation, any customers, agents, officers, subsidiaries, assigns and financial institutions, shall not transfer, alienate, dissipate, pay over or assign any assets of M&M Produce, Inc., or any entity which it controls and shall hold in trust such assets for the benefit of Plaintiff and any similarly situated creditors, up to the amount of \$295,330.50, until further order of this Court; and it is further**

**ORDERED that within five (5) days of the date of this order:**

**a) Defendants shall file with this Court, with a copy to Plaintiff's counsel, an accounting which identifies all assets and liabilities and each account receivable and payable of M&M Produce, and any entity which it controls or which is under common control, notarized and signed under penalty of perjury; and**

**b) Defendants shall supply to Plaintiff's attorney any and all documents in connection with its respective assets and liabilities and those of any entities it controls or which is under common control, including, but not limited to, the most recent statement for any and all depository, bank, brokerage, investment or other account**

for the prior four (4) months (November 2014 through February 2015), including cancelled checks, balance sheets, profit/loss statements, accounts receivable reports, accounts payable reports, accounts paid records, intercompany loans and other transfers, and federal and state corporate income tax returns for the most recent calendar year, together with a certification notarized and signed under penalty of perjury that said disclosure truly and completely complies with the letter and spirit of this order; and it is further ORDERED that Plaintiff shall post security in the amount of \$25,000 with the Clerk of the Court within seven (7) days of the date of this order; and it is further

ORDERED that service of a copy of this order and the papers upon which it is based, together with the summons and complaint, be made by personal service upon the Defendants on or before March 4, 2015; and it is further

ORDERED that answering papers, if any shall be served by Defendants so as to be received by the Court and counsel for the Plaintiff by March 10, 2015.

This Temporary Restraining Order is entered this second day of March, 2015, at Hartford, Connecticut.

/s/  
Vanessa L. Bryant,  
United States District Judge